

1           Q     The service area of the station or whatever  
2 number of persons you represent to advertisers that are  
3 served by the stations approximately.

4           A     Well, that depends on how big of an area that  
5 they're talking about because the service level kind of  
6 drops off the farther you get away from the station.  
7 But certainly the people that are closer in receive a  
8 much more consistent signal. The people that are  
9 farther out you don't reach as consistently.

10          Q     What criterion do you personally use as to the  
11 level at which you will represent that listenership is  
12 reached?

13          A     The listenership or the coverage area because  
14 they're two different things? In terms of the coverage  
15 area, I think it depends on what the advertiser is  
16 interested in. If the advertiser is interested  
17 primarily in the metropolitan coverage of the station  
18 and interested in reaching the metropolitan area then I  
19 can tell them what that is. If they are interested in  
20 reaching potential customers far out in the rural areas  
21 then we can estimate the extent of the potential rural  
22 coverage as well.

23          Q     For a station like the Ft. Wayne, Indiana  
24 facility, generally what contour do you use?

25          A     It would depend. I think the generally

1 accepted contour for AM is a half millivolt or something  
2 like that.

3 Q Okay. For the half millivolt contour what is  
4 the approximate population that's served by that  
5 facility?

6 A I would have to look at the promotional  
7 material. I couldn't tell you offhand. I could again  
8 estimate or guess but I would rather not do that.

9 Q Okay. For KQCB Oklahoma City, Oklahoma, what  
10 service area do you generally represent to persons  
11 served by that station?

12 A I believe what we represent to them is an  
13 estimate based on response that we've received from  
14 listeners, kind of an estimate based on responsiveness  
15 from different parts of the state.

16 Q And that is?

17 A I would have to look again. I don't know  
18 offhand.

19 Q Maybe I could just shortcut this a little bit.  
20 Do you have any recollection concerning what numbers  
21 you've represented to advertisers in the past for any of  
22 these stations that you have done sales work for?

23 A I would have to look back in my records.  
24 Again I think we're talking about ball park figures  
25 anyway in terms of approximately how many people the

1 station can reach potentially.

2 Q Sure, and you have no recollection of any of  
3 those?

4 A No, again I can estimate or I can give you  
5 guesses, but I can't tell you specifically.

6 Q I'm not asking specifically for that matter  
7 anyway. Your best recollection is all that I'm after.

8 A Of how many people each of the different  
9 stations reaches?

10 Q Yes.

11 A Okay, you're not asking for a technical  
12 number. You just want a guess.

13 Q Your best recollection of what you represent  
14 to advertisers as the coverage area as far as numbers  
15 are concerned.

16 A I would rather not hazard a guess.

17 JUDGE LUTON: He's not asking you to guess.  
18 He's asking for your best recollection about what you  
19 represented, if you have such a recollection.

20 THE WITNESS: I would have to refer to the  
21 coverage maps of the stations and refer to the technical  
22 material. I don't think that that has been asked of me  
23 specifically in that way. I think people are more  
24 interested in how many people are listening to the  
25 station than how many people the signal potentially

1 reaches.

2 JUDGE LUTON: Go on to the next question.

3 BY MR. ALPERT:

4 Q Okay, how many people listen to each of the  
5 different stations?

6 A I don't know. I couldn't tell you.

7 Q Okay.

8 A We don't sell based on the numbers. Bott  
9 Broadcasting doesn't.

10 Q What do you sell based on?

11 A We sell based on the responsiveness of the  
12 audience and the qualitative characteristics of the  
13 demographics and the cycographics. It's much more of a  
14 qualitative sell as opposed to a quantitative sale, so  
15 that's probably why the numbers --

16 JUDGE LUTON: Let's stop this right here.  
17 Your next question please.

18 BY MR. ALPERT:

19 Q In addition to being an officer and director  
20 of the corporations, you are also an active participant  
21 as an employee of those stations. Is that correct?

22 A I'm an employee of the corporation.

23 Q Right. And you operate out of what city right  
24 now?

25 A Independence.

1 Q And your duties right now are basically what?

2 A I function as basically a general manager of  
3 the corporation in that I'm very responsible for the  
4 day-to-day activities of the entire company. Each of  
5 the station managers reports directly to me in the home  
6 office. I in turn report to the president of the  
7 company who is my father. He's responsible for more of  
8 the strategic decisions and the future of the company.  
9 I'm responsible for the day-to-day operations of the  
10 company.

11 Q Would it be fair to say that a large part of  
12 your broadcast experience has all been tied in with the  
13 Bott companies in the past?

14 A Yes, I've had a tremendous opportunity to gain  
15 a lot of experience in that way.

16 Q I notice from your direct testimony you kind  
17 of started out from the bottom as an announcer. Is that  
18 correct?

19 A Yes, when I was in high school I started out  
20 as an announcer.

21 Q And then from there you built up through what  
22 stages?

23 A Do you want my past broadcast experience?

24 Q Basically just in summary form.

25 Q In high school I started off as an announcer.

1 After school I would go in to the radio station and  
2 serve as an announcer. I produced a once-a-week radio  
3 program. From there I went to college where I minored  
4 in radio and television. I majored in business  
5 administration. I worked at the campus station in areas  
6 of advertising, promotion and so forth.

7 Q I'm just really concentrating on the Bott  
8 organization right now as far as your experience going  
9 up through the ranks in the Bott organization.

10 A Okay, well, it's all tied together. After I  
11 graduated from college I managed an advertising agency  
12 for two years. Then I went to Harvard Business School  
13 and got my MBA. Following that I returned to Bott  
14 Broadcasting Company where I lived in Ft. Wayne, Indiana  
15 and managed the Ft. Wayne station. I was there about  
16 six months and then I moved back to Independence I  
17 believe in 1982. This is all a matter of record in my  
18 biographical statement.

19 Q These were all Bott properties, these last  
20 couple of jobs?

21 A Not in South Carolina, but in Ft. Wayne that  
22 was a Bott station. Yes. Then I moved back to  
23 Independence where I worked for Bott Broadcasting  
24 Company and had more responsibilities over the group of  
25 stations. More recently my responsibilities have

1 expanded in that.

2 Q Would it be fair to say you're now one of the  
3 chief employees, chief operating managers or officials?

4 A I think it would be fair to say I'm in a very  
5 responsible position there.

6 Q Is that your only paid employment at the  
7 current time?

8 A Yes.

9 Q You mentioned that in the event that you  
10 obtain the Blackfoot facility you would not be resigning  
11 your positions as an officer or a director of either  
12 Bott Broadcasting or Bott Communications. Is that  
13 correct?

14 A I have not planned to.

15 Q And you would not be selling your stock  
16 interests or anything like that?

17 A In Bott Communications?

18 Q That's right.

19 A No, I have a 20 percent interest in Bott  
20 Communications. I plan to keep that.

21 Q You'll hold on to that. What intentions does  
22 the corporations have as far as replacing you in this  
23 key position once you leave?

24 A I assume they intend to hire a replacement for  
25 me.

1 JUDGE LUTON: Don't assume. Please don't  
2 assume.

3 BY MR. ALPERT:

4 Q Have any steps been taken so far to replace  
5 you?

6 A Yes.

7 Q What steps?

8 A I anticipated your next question probably. My  
9 father has been reviewing several resumes in that  
10 regard.

11 Q Maybe this goes back to an earlier question,  
12 but do you intend to leave Bott Communications  
13 irregardless of the grant of this application or you  
14 only intending to leave Bott Communications --

15 A Do you mean Bott Broadcasting?

16 Q Yes, Bott Broadcasting.

17 A If I could digress for a moment which will  
18 help clarify the question, I think, that you're asking.  
19 That is that the situation in Blackfoot represents an  
20 opportunity for me to get out into business on my own  
21 and to have my own radio station and build something for  
22 myself.

23 Q Just as the Central Valley facility is?

24 A As my Central Valley facility, however, with  
25 the two of them I plan to hire a station manager or a



1 general manager to manage that facility. Could you  
2 clarify your question?

3 JUDGE LUTON: If you don't understand the  
4 question --

5 THE WITNESS: I don't understand the question.

6 JUDGE LUTON: It isn't up to you to clarify  
7 the question. If you don't understand the question,  
8 wait until you get a clear one.

9 BY MR. ALPERT:

10 Q My question is: I understand that your  
11 testimony is that you intend to leave your employment  
12 position with Bott Broadcasting in the event you obtain  
13 this Blackfoot construction permit and you mentioned  
14 that your father has already begun interviewing persons  
15 to replace you.

16 A No, he's reviewed resumes.

17 Q Okay, reviewed resumes.

18 A It's a little premature to interview people  
19 yet.

20 Q Do you intend to leave Bott Broadcasting even  
21 in the event you do not obtain this construction permit  
22 and you left only with, as far as your sole ownership,  
23 your Central Valley permit?

24 A No, I think Central Valley is a much simpler  
25 operation that could be managed from a distance. I

1 wouldn't intend to move to Central Valley but if I was  
2 granted the Blackfoot application I would move there and  
3 have two stations I'd be responsible for.

4 Q I'm only talking right now in the event you're  
5 not granted Blackfoot. So in the event you're not  
6 granted Blackfoot it's your intention then to continue  
7 to own and build and construct and operate the Central  
8 Valley facility where you would stay with Bott  
9 Broadcasting in your current employment position. That  
10 is your intention.

11 A That would be my intention. I suppose -- yes.

12 Q And in that event then the time and effort  
13 that your father is taking, whatever it might be as far  
14 as reviewing resumes right now, was merely anticipatory  
15 and would not be followed through on as far as actually  
16 hiring somebody to replace you?

17 A He wouldn't hire somebody to replace me unless  
18 I left.

19 Q Okay.

20 A I hope. I can't speak for him.

21 Q And he's reviewing those resumes even though  
22 you haven't resigned yet?

23 JUDGE LUTON: Move on, Mr. Alpert. This is  
24 playing around here.

25 BY MR. ALPERT:

1 Q Right now I believe in your deposition  
2 testimony you testified that a part of your duties is  
3 basically to put out fires on occasion. When there is a  
4 problem at a specific station a lot of times there are  
5 situations where you needed to go to the other stations,  
6 basically help out or fix up a bad situation which has  
7 occurred management-wise or station-wise or whatever in  
8 order to set things right. Is that accurate?

9 A Yes, that is accurate. I think I also  
10 testified that fortunately through good management  
11 practices this hasn't been necessary very often.

12 Q As an officer and director of Bott  
13 Broadcasting, will you feel the same duty and obligation  
14 to help out and fix up organizations, the other  
15 stations' internal processes or whatever even in the  
16 event that you are not an employee of Bott Broadcasting?

17 A No. That was because that's what my job was  
18 to do.

19 Q You don't feel that that's in any way incident  
20 also to your position as an officer or director?

21 A To go to facilities? No. What you're talking  
22 about is being involved in the day-to-day operations of  
23 the company and being responsible to go put out fires  
24 and to correct things from management type of function.  
25 As a director and an officer we hire management people

1 to do those functions.

2 Q So in other words then, if you left Bott  
3 Broadcasting as an employee, a call goes out, oh this  
4 terrible thing is happening, Collierville, we need your  
5 help even though there are people out there. Rich, can  
6 you head out there and see if you can fix things up?  
7 You'd say no, sorry, I'm not an employee any more?

8 A As long as it would not affect my current  
9 work. I'm a compassionate person. I like to help out  
10 people in distress where appropriate, but it would not  
11 take any significant amount of my time at all.

12 Q You would hope.

13 A Well, it couldn't.

14 Q Why couldn't it?

15 A Because I couldn't do a good job with my  
16 primary responsibility.

17 Q Okay.

18 A I wouldn't allow it to.

19 Q Okay. The format of the other stations that  
20 Bott Broadcasting currently owns is essentially what?  
21 How do you best describe it?

22 A As you characterized it in the deposition, it  
23 is essentially a religious-oriented format although I  
24 like to think that it's different from the way most  
25 religious stations are characterized. It's a format

1 that is designed to serve the needs and interests of  
2 families including their religious and spiritual needs  
3 but also a lot of information, news, talk, public  
4 affairs and so forth. So it's a blend of several  
5 different things including a good portion of religious  
6 programming.

7 Q Isn't it true that you also intend to engage  
8 in a similar sort of format for the Blackfoot facility?

9 A No, that's not necessarily true. I've not  
10 decided exactly the type of format, the type of music or  
11 whatever that I would use in that facility. It would be  
12 a format tailored to that particular market and the  
13 needs of that community.

14 Q But haven't representations been made to  
15 outsiders that that was going to be your format?

16 A I don't believe so.

17 Q Would it surprise you if it has?

18 JUDGE LUTON: What difference would it make?

19 MR. ALPERT: Well, I'm getting to that, Your  
20 Honor.

21 BY MR. ALPERT:

22 Q Isn't it true there are currently plans to  
23 program each of the Bott Broadcasting stations through  
24 satellite delivery of the facilities?

25 MR. FRIEDMAN: Object, relevance.

1 MR. ALPERT: I think the relevance will be  
2 clear. This is a preliminary question.

3 JUDGE LUTON: Preliminary to what?

4 MR. ALPERT: Once I get the answer to this  
5 question, I think it will show.

6 JUDGE LUTON: Sustained. If you won't answer  
7 my questions I'm going to sustain the objection.

8 MR. ALPERT: I'll answer your question then,  
9 Your Honor, if it's not too late. Basically what I'm  
10 getting into is whether or not there's going to be any  
11 sort of -- well actually, Your Honor, if I'm going to  
12 answer your question, I prefer the witness leave the  
13 room for just a moment.

14 MR. FRIEDMAN: We can take a side bar, Your  
15 Honor, if you'd like.

16 JUDGE LUTON: Please.

17 (Whereupon, off the record at 11:09 for a  
18 short recess.)

19 BY MR. ALPERT:

20 Q Isn't it correct to say that there are  
21 currently plans to ultimately satellite feed the  
22 programming to the various Bott Broadcasting stations by  
23 satellite or there's a portion of the programming done  
24 by satellite?

25 A Bott Broadcasting Company is looking into the

1 technical possibility of delivering some programming  
2 especially in the nature of a talk show type of thing.  
3 No definite plans have been made in that regard. It's  
4 something that's a technological possibility at this  
5 time. It's something that they've investigated.

6 Q Would it be fair to say that your father has  
7 characterized it as sort of a dream of his to basically  
8 cut down on the costs of obtaining programming and to  
9 program each of the stations by virtue of the fact that  
10 programming could be delivered via satellite to the  
11 various stations?

12 A It's speculation at this point. Clearly in  
13 the broadcast industry a lot of economical moves --

14 JUDGE LUTON: There was something in that  
15 question about whether Mr. Bott's father had  
16 characterized this arrangement as a dream of his. Isn't  
17 that the way you started out?

18 MR. ALPERT: Yes, sir.

19 JUDGE LUTON: Do you want an answer to that?

20 BY MR. ALPERT:

21 Q Yes. Isn't it true that your father has  
22 characterized this plan as kind of a dream of his to  
23 carry this out in order to cut back on various costs of  
24 obtaining programming and staffing costs at various  
25 stations?

1           A     I don't know what his dreams are.     He has  
2 speculated that isn't there some way that our company  
3 could utilize satellite to cut down on its costs of  
4 operations.

5           Q     And isn't it true that he's actually looked  
6 into those possibilities to some extent?

7           A     I don't know that he has.     I think he's talked  
8 to some people maybe that are doing it.

9           Q     Isn't it true that the stations are currently  
10 obtaining some satellite and that they currently have an  
11 up link?

12          A     Yes.     Well, they have a down link.     We get  
13 quite a bit of our programming from different satellite  
14 services.

15          Q     Are those simultaneously bought on behalf of  
16 all the various stations?

17          A     Bought?

18          Q     The rights to the programming from the  
19 satellite?

20          A     That's one of my responsibilities it to make  
21 sure that the stations are programmed the way they  
22 should be.     The news service that we get by satellite is  
23 a corporate decision and talk shows that the various  
24 stations receive off the satellite is a decision that  
25 emanates from the home office.



1 Q Getting back to my question isn't it true that  
2 those programs are bought for the joint use of all the  
3 various stations?

4 A There's a contract for each station's use of  
5 the program.

6 Q And they negotiate it as a package?

7 A Can I get a quantity discount for buying five  
8 stations instead of one?

9 Q Yes, or at the very least you save time and  
10 effort of having to negotiate separate contracts to go  
11 to five different suppliers.

12 A I think in most cases each station is  
13 negotiated separately. I can think of maybe -- no,  
14 that's on tape. I don't think there's any quantity  
15 discounts involved.

16 Q Isn't it true that your father has basically  
17 taken a very strong approach, a very strong bit of  
18 activity, in deciding exactly which programs should go  
19 on the various Bott stations by virtue of his own  
20 personal philosophy of what constitutes appropriate  
21 religious-type programming?

22 A Very much so in the past. He's delegated a  
23 good bit of that to me at this point.

24 Q Isn't it true that there have been some  
25 discussions already toward even obtaining some satellite

1 programming for use by the Central Valley facility which  
2 you will own as well as the Blackfoot facility that you  
3 will own with your father?

4 A No, I don't believe so. See those would be  
5 totally different from Bott Broadcasting and Bott  
6 Communications. My father has been a successful  
7 businessman and my plan would be to go out and do  
8 likewise. My two stations would be operated  
9 independently by me making my own programming decisions,  
10 utilizing the programming services that were available  
11 to me whether on tape, whether by satellite, whether we  
12 create that locally, but those would be totally  
13 independent decisions.

14 Q In the event that your father's plan is  
15 ultimately realized --

16 A Which plan?

17 Q I was about to get to that if you'll let me  
18 finish the question. In the event your father's plan is  
19 realized and he is able to obtain the satellite facility  
20 so that the programming of his stations could be at  
21 least jointly partially programmed through the use of  
22 satellite programming, in the event that you personally  
23 could realize savings --

24 MR. FRIEDMAN: Object, Your Honor. We've gone  
25 from a dream to a plan to a compound question.

1 JUDGE LUTON: To a very hypothetical one.  
2 You're making it all up?

3 MR. ALPERT: Excuse me?

4 JUDGE LUTON: It sounds to me like you're  
5 making it all up. In the event, this, that and the  
6 other things. It's speculative. Start again.

7 BY MR. ALPERT:

8 Q Do you have any intention to utilize satellite  
9 programming in the course of your operations upon grant?

10 A That is one of the programming delivery  
11 services that is available nowadays and I would surely  
12 take a look at that.

13 Q Is that the reason that you will be able to  
14 get along with less than five employees?

15 A No. Some of the Bott Broadcasting stations  
16 that we operate use very little satellite and they have  
17 less than five full time employees. I think it's just  
18 good business and good management that helps keep the  
19 overhead down low.

20 Q So you're saying that you have no intention  
21 right now to engage in any satellite delivery of  
22 programming?

23 A I didn't say that.

24 MR. FRIEDMAN: Objection, he's  
25 mischaracterizing the testimony.

1 JUDGE LUTON: He's asking. Overruled.

2 THE WITNESS: I didn't say that I wouldn't  
3 consider satellite programming. There are a dozen or  
4 more different satellite services available to different  
5 radio stations at this time with various different  
6 formats, many different talk shows. Larry King Show,  
7 for instance, being one that's very good at night. So I  
8 would be foolish at this point to rule out the  
9 possibility of utilizing some satellite programming  
10 service.

11 BY MR. ALPERT:

12 Q Have there been any discussions at this time  
13 with your father concerning joining with him in  
14 obtaining satellite programming?

15 A Only to the extent that the Bott Broadcasting  
16 stations receive a talk show by Marlin Maddox called  
17 Point of View that is a pretty good talk show; however,  
18 we think we could do a better talk show and there's some  
19 speculation of how much would be involved were we to get  
20 an up link or an arrangement to up link a talk show and  
21 do it separately.

22 Q Are you saying you may carry that program for  
23 example?

24 A Excuse me?

25 Q So you're saying that you'd possibly carry

1 that program for example?

2 A On my stations?

3 Q Yes.

4 A That would be a program I would consider. Are  
5 you talking about Marlin Maddox?

6 Q Whichever program you were just referring to  
7 which you could produce better which you put on by  
8 satellite delivery?

9 A I'd have to hear the program and I'd have to  
10 make my own independent decision whether that was better  
11 or not.

12 Q Let me get back to my original question then.  
13 Have there been discussions concerning whether or not  
14 you would carry the programming that might be delivered  
15 by satellite for the benefit of Bott Broadcasting?

16 A No, nothing for the benefit of Bott  
17 Broadcasting.

18 Q You would not carry any broadcasting which is  
19 currently obtained for the benefit of Bott Broadcasting?

20 A Any programming that I would carry would be  
21 for my benefit and the stations and the communities that  
22 I serve.

23 Q Maybe you're misunderstanding my question.

24 JUDGE LUTON: Because you're asking two. You  
25 asked first of all whether or not there had been

1 discussions and then you grab on to part of his answer  
2 and say therefore you wouldn't consider using any of  
3 that program and you never got an answer to the first  
4 one about whether there had been discussions.

5 MR. ALPERT: Very good point.

6 BY MR. ALPERT:

7 Q Have there been discussions concerning whether  
8 or not you would carry the programming which is  
9 currently in the planning stages for Bott Broadcasting  
10 Company?

11 MR. FRIEDMAN: Objection, there's no predicate  
12 for this question.

13 JUDGE LUTON: You mean there is no statement  
14 that there have been discussions with him or what?

15 MR. FRIEDMAN: He's saying he's dealing with a  
16 program that is purportedly in the planning stage and  
17 Mr. Bott has never testified that any program is in the  
18 planning stage.

19 MR. ALPERT: I disagree. There has been  
20 testimony saying that there is that Matlin program which  
21 is being carried. They said that they thought they  
22 could do a better program.

23 JUDGE LUTON: That's right. Overruled.

24 THE WITNESS: Could you repeat the question  
25 again please? I think the thing that I have problems

1  
2 with, you said the programming that has been planned and  
3 there's been no programming planned. There is some idle  
4 talk and some speculation as to whether or not we could

5 --

6 JUDGE LUTON: He'll start it again.

7 BY MR. ALPERT:

8 Q There have been discussions between you and  
9 your father concerning the fact that you believe that a  
10 program could be produced that could be better than the  
11 talk show which is currently being aired on the various  
12 Bott Broadcasting stations. Is that correct?

13 A I wouldn't characterize it that way. Let's  
14 say this particular talk show that we're referring which  
15 we receive by satellite on our various stations on  
16 occasion there have been programs that my father has  
17 been very disappointed with. He would say something to  
18 the effect that I wonder if we could do what Marlin  
19 Maddox is doing and do a better job of it? That's about  
20 the extent of the discussions in that regard. There has  
21 been some speculation that that might be a possibility.  
22 I think you're taking from that and going off.

23 JUDGE LUTON: That's all right. Don't argue  
24 with him. Just answer his questions.

25 BY MR. ALPERT:

Q So there have been discussions concerning the

1 possibility of actually following through with the  
2 production of a talk show similar in format but better  
3 produced than this Matlin show?

4 A I'd say speculations would be a better  
5 characterization.

6 Q And isn't it true that there has been some  
7 speculation that in the event you get your own stations  
8 that that show would be carried on your stations as  
9 well?

10 A That would be one of the programming choices I  
11 would have to make.

12 Q Of course, but there have been discussions?

13 A Excuse me?

14 Q Yes, I understand you'd have to make the  
15 decision but there have been discussions already.

16 A I think you're characterizing much, much  
17 farther than is in reality.

18 JUDGE LUTON: You don't like the word  
19 discussions. Is that it?

20 THE WITNESS: Yes, sir, I don't. If I could  
21 just say that my programming decisions are going to be  
22 my own decisions and I'm going to look at the  
23 programming sources that are available to me in addition  
24 to the programming that we're going to produce locally  
25 and make my decisions at the appropriate time. I think



1 you're making some very unfair allegations that have no  
2 basis.

3 BY MR. ALPERT:

4 Q So I still am not quite certain I received an  
5 answer to my question. There have been discussions  
6 concerning the possibility that you would carry this  
7 show?

8 JUDGE LUTON: Well, he wouldn't dignify  
9 whatever has gone on by calling it a discussion, so I  
10 guess if you press him to answer your question the  
11 answer would be no, there have not been discussions.  
12 There has been something less than discussions which is  
13 what I suppose you want to know.

14 BY MR. ALPERT:

15 Q If there have not been discussions, what have  
16 they been?

17 A I don't believe there have been any  
18 discussions as it relates to how I would program my  
19 stations. There have been discussions about what Bott  
20 Broadcasting, Bott Communications and so forth might do  
21 in the future sometime if it's technologically feasible,  
22 if it's economical, if it could perhaps be profitable to  
23 serve their stations with some satellite programming.  
24 On my own I've thought I want to do my own programming,  
25 do my own thing, run my own stations, run my own